

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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WALTER J. ROSALES, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 03-1117 (GK)
)	
UNITED STATES OF AMERICA,)	
<u>et al.</u> ,)	
)	
Defendants.)	
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ORDER

Plaintiffs are Walter J. Rosales and Karen Toggery.¹ Defendants are the United States of America, the U.S. Department of the Interior, the Bureau of Indian Affairs ("BIA" or "Bureau"), and the Interior Board of Indian Appeals ("IBIA" or "Board"). Plaintiffs bring suit under the Indian Reorganization Act ("IRA"), 25 U.S.C. §§ 461-479, and the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701-706, seeking to overturn the following: 1) the August 31, 1996 Secretarial election in which voters approved an amendment to the Jamul Village Constitution to lower the blood-quantum requirement for tribal membership and voter registration from one-half to one-quarter; 2) the Deputy Commissioner of Indian Affairs' October 15, 1996 decision approving the amendment; 3) the

¹ The Complaint's caption lists the Jamul Indian Village ("Village") as a Plaintiff. Defendants object to the Jamul Indian Village being named as a Plaintiff because, they argue, Plaintiffs lack authority to represent the Village. Because the Court agrees and grants Defendants' Cross-motion for Summary Judgment, references to Plaintiffs herein do not include the Village.

Board's July 29, 1999 decision affirming the Secretarial election; and 4) the Board's March 4, 2003 decision affirming the Deputy Commissioner's approval of the amendment. See Pls.'Opp'n at 6. Plaintiffs seek an order declaring: "1) that the Village [C]onstitution has not been lawfully amended; 2) that the elections of 1997, 1999, and 2001, held by the faction using the lowered blood quantum to determine an individual's qualifications to vote, were not lawful; 3) that the BIA's decision of October 15, 1996, and the IBIA's decisions of July 29, 1999 and March 4, 2003, must be reversed and vacated; and 4) that the Government must recognize the 1997, 1999, and 2001 election of Plaintiffs ... as officers of the Village, pursuant to the terms of the original Village [C]onstitution." Id. at 37.

This matter is before the Court on Plaintiffs' Motion for Summary Judgment, [#25], and Defendants' Cross-motion for Summary Judgment, [#26]. Upon consideration of the Motions, Oppositions, Replies, and the entire record herein, and for the reasons stated in the Memorandum Opinion, it is hereby

ORDERED that Plaintiffs' Motion for Summary Judgment, [#25], is **denied**; it is further

ORDERED that Defendants' Cross-motion for Summary Judgment, [#26], is **granted** and this case is **dismissed**.

This is an appealable final order under Rule 4 of the Federal Rules of Appellate Procedure.

March 8, 2007

/s/

Gladys Kessler
U.S. District Judge

Copies to: Attorneys of record via ECF.